



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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Ted Graziani
Chairman

Tom Palshaw
Vice Chairman

Bill Correia
Keith Durao
Jim Prichard
John Ridzon
Heather Stavens

Charter Revision Commission

SPECIAL MEETING MINUTES

July 11, 2018

MEMBERS PRESENT: Bill Correia, Keith Durao, Ted Graziani, Tom Palshaw, Jim Prichard, John Ridzon and Heather Stavens

OTHERS PRESENT: John Halloran, Mary Blanchette, Hall Memorial Library Board of Trustees; Cheryl Chamberlin

I. CALL TO ORDER:

Chairman Graziani called to order the Charter Revision Commission (CRC) Special Meeting at 6:32 p.m. in Commission Room A in the Town Hall, 55 Main Street, Ellington, CT.

II. CITIZENS' FORUM [Non-agenda items]:

No one came forward.

III. APPROVAL OF MINUTES:

A. June 27, 2018 Special Meeting Minutes

MOVED (PALSHAW), SECONDED (CORREIA) AND PASSED UNANIMOUSLY TO APPROVE THE CHARTER REVISION COMMISSION SPECIAL MEETING MINUTES OF JUNE 27, 2018 AS WRITTEN.

IV. NEW BUSINESS

A. Section 302 – Election & Terms of Office

CRC decided to reexamine the motion made at the June 27 meeting regarding changing the term of office for the First Selectman from two years to four years and decided to renew the motion as follows:

MOVED (PRICHARD), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO REMOVE FROM THE CRC DRAFT REPORT THE PROPOSAL TO AMEND SECTION 302 AND SECTION 701 REGARDING CHANGING THE TERM OF OFFICE FOR THE FIRST SELECTMAN FROM TWO YEARS TO FOUR YEARS.

B. Section 910 – Department of Public Works and New Section for the Hall Memorial Library Board of Trustees

CRC reviewed the motion made at the June 27, 2018 CRC Meeting regarding revising language in Section 910 and adding a new section for the Hall Memorial Library (HML) Board of Trustees. Ted Graziani shared a conversation he had earlier in the day with Sue Phillips, Hall Memorial Library Director, where she expressed her desire to not make any language changes to Section 910 at this time, as she felt the current relationship between the library and the Public Works Department was working well. The wording in the section already gives Public Works control over all Town buildings, but does not list the library specifically.

John Ridzon asked what HML currently handles themselves and what Public Works steps in for. John Halloran responded that maintenance requests automatically generate an email that goes to Tim Webb, Director of Public Works. He also referenced the State Statute which gives the Library Board of Trustees control over the library. Jim Prichard stated that adding specific language to the Charter that designates the Public Works Department as having control of the maintenance of the HML building will reduce any misunderstanding in the future, when different individuals are in these director. Mr. Halloran stated that the Library Board of Trustees would be open to having a written agreement with the Public Works Department; however, they would prefer that no change be made to the Charter.

There was discussion regarding the phrase “exclusive control” listed in the new proposed chapter, as well. Mary Blanchette expressed concern that this would mean that the Public Works Department would make changes without the Board of Trustees’ input. Heather Stavens stated that the Public Works Department having this control over the Hall Memorial Library building did not mean that there wouldn’t be open communication between Public Works and the Library Board of Trustees.

There was discussion regarding alternative wording options that would address the concerns of both parties. Tom Palshaw stated that he would feel more comfortable voting to keep revisions to Section 910 in the draft report if the new section regarding the Library Board of Trustees was removed.

MOVED (DURAO), SECONDED (PALSHAW) AND FAILED (AYE: PALSHAW/DURAO; NAY: STAVENS/PRICHARD/RIDZON/CORREIA) TO AMEND SECTION 910 WITH ADDITIONAL WORDING AS FOLLOWS:

“It shall be duty of the Department of Public Works to maintain, repair, clean and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; care for and maintain all town buildings other than those under the jurisdiction of the Board of Education; perform regular and as needed maintenance and repairs on the Hall Memorial Library and grounds in collaboration with the library director and the Library Board of Trustees consistent with CSF 11-33.”

Tom Palshaw noted that the proposed language from the Town Attorney in the proposed new section, defining the Library Board of Trustees, does not exactly mirror that of the State Statute. He didn’t feel comfortable including this item in the draft report with elements missing that are addressed in the corresponding State Statute, such as election of officers, adoption of bylaws, and an annual report submission to the Board of Selectmen.

MOVED (PALSHAW), SECONDED (DURAO) TO CHANGE THE LANGUAGE OF THE PROPOSED NEW CHAPTER REGARDING THE LIBRARY BOARD OF TRUSTEES TO

INCLUDE THE RESPONSIBILITIES OF ELECTING THE PRESIDENT OF THE BOARD, ELECTING OTHER OFFICERS, ADOPTING BYLAWS AND CREATING AN ANNUAL REPORT, AS INCLUDED IN THE STATE STATUTE.

No vote was taken on the above motion.

CRC agreed to address revisions to Section 910 and the proposed new chapter separately, and renewed the motion regarding Section 910 as follows:

MOVED (PALSHAW), SECONDED (DURAO) AND FAILED (AYE: PALSHAW/DURAO; NAY: CORREIA/RIDZON/STAVENS/PRICHARD) TO REMOVE FROM THE CHARTER REVISION COMMISSION DRAFT REPORT THE PROPOSAL TO AMEND SECTION 910 – DEPARTMENT OF PUBLIC WORKS REGARDING MAINTENANCE AND REPAIRS AT THE HALL MEMORIAL LIBRARY.

MOVED (GRAZIANI), SECONDED (PRICHARD) AND PASSED (AYE: CORREIA/STAVENS/PRICHARD/RIDZON; NAY: PALSHAW/DURAO) TO INCLUDE IN THE CHARTER REVISION COMMISSION DRAFT REPORT THE PROPOSAL TO ADD A NEW SECTION IN THE CHARTER REGARDING THE LIBRARY BOARD OF TRUSTEES.

V. UNFINISHED BUSINESS

A. Public Hearing Date

Due to advertising constraints, the CRC rescheduled the July 18, 2018 Public Hearing to July 25, 2018 at 7:00 p.m. in the Town Hall.

Mr. Graziani stated that the CRC Members should plan to attend the following upcoming meetings; there was a suggestion that the Town Attorney be invited to the June 25 Public Hearing, as well:

July 25, 2018:	CRC Final Public Hearing
July 30, 2018:	Board of Selectmen Special Meeting to receive the CRC Draft Report.
August 6, 2018:	Board of Selectmen Public Hearing regarding the CRC Draft Report.
August 13, 2018:	Board of Selectmen Regular Meeting. (The BOS may recommend changes to the Draft Report within 15 days after the August 6, 2018 Public Hearing.)

He noted that all of the meetings will start at 7:00 PM.

Chairman Graziani recessed the meeting at 7:32; back in session at 8:10.

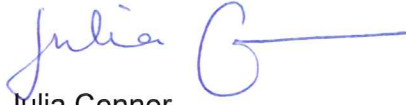
B. Charter Revision Commission Draft Report

MOVED (PALSHAW), SECONDED (DURAO) AND PASSED UNANIMOUSLY TO ACCEPT THE DRAFT REPORT AS WRITTEN (ATTACHED) TO PRESENT AT A PUBLIC HEARING ON JULY 25, 2018 AT THE TOWN HALL MEETING HALL AT 7:00 PM.

VI. ADJOURNMENT:

MOVED (PALSHAW), SECONDED (DURAO) AND PASSED UNANIMOUSLY TO ADJOURN THE REGULAR MEETING OF THE CHARTER REVISION COMMISSION AT 8:35 P.M.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Julia G", with a long horizontal line extending to the right.

Julia Connor
Recording Secretary

CHARTER REVISION COMMISSION DRAFT REPORT
July 11, 2018

#1

SECTION 602. ANNUAL TOWN BUDGET MEETING

The annual town budget meeting for the consideration of the budget shall be convened in accordance with the provisions of Section 1006 of this Charter and shall be held on the second Tuesday of May at such hour and at such place as the Board of Selectmen shall determine, and no other town agency, board, or commission shall meet on said day. The Board of Selectmen shall request the presence at such meeting of a representative of each board, agency, or commission submitting a budget request. If the vote on the annual town budget is adjourned to a referendum, all further votes of the annual town budget shall be by referendum to be held two weeks after the town meeting is adjourned and every other week thereafter until final approval is given. [AMENDED 11/05/02; 11/6/07]

Due to requirements by State Statute, the legal notice of the referendum must be published five (5) days prior to the referendum. The local newspaper has a deadline of noon the day prior to publication. This presents a tight deadline and not always obtainable. This change to Section 602 will allow for timely publication of the legal notice.

#2

SECTION 205.VACANCIES – ELECTIVE OFFICERS, SUBSECTION (a)

- (a) Unless otherwise provided by law, any vacancy, in any elective town office, including the Board of Education, but excluding the First Selectman, shall be filled within forty-five (45) thirty (30) days of such vacancy by appointment of the Board of Selectmen, to serve for the unexpired portion of the term of the elective office so filled until the first Monday of December following the next regular election, except that appointments to the Board of Education shall serve until the next regular election, as defined in Section 9-1 of the General Statutes, as amended. [AMENDED 11/5/02]
- (d) ~~Except as otherwise provided in this Charter, if there shall be a regular election as defined in Section 9-1 of the General Statutes, as amended, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled by appointment until said election as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term with such person to take office on the first Monday in December following the election, except that election of a person to the Board of Education who shall begin the day of election.~~ [AMENDED 11/6/07]

This change to Section 205 - Vacancies will change the timeframe to fill an elective vacancy from 45 days to 30 days and allow the term to be filled to the end of the unexpired portion of the term vs to the next election.

#3

SECTION 808. PUBLIC SAFETY COMMISSION – REPEAL

~~The Board of Selectmen, in accordance with Section 802 of this Charter, shall appoint a Public Safety Commission consisting of nine (9) members, said members to serve for terms of three (3)~~

CHARTER REVISION COMMISSION DRAFT REPORT TO THE BOARD OF SELECTMEN
July 11, 2018

~~years. All appointments to this commission shall be made by the Board of Selectmen, in the manner provided herein, as vacancies on this board are created by the expiration of a member's term of service. Said commission shall draw lines of communication, form operational policies among the town agencies involved with public safety, and work with area towns having similar public safety problems in applying for Federal and State grants and technical assistance.~~

This change is to repeal Section 808 – Public Safety Commission. The Public Safety Commission has been inactive since 2004. Currently the duties of the Public Safety Commission are performed by the Ad Hoc Emergency Services Committee.

#4

SECTION 923. EMERGENCY SERVICES

Emergency Services to the Town of Ellington will be provided by Ellington Volunteer Fire Department, Crystal Lake Fire Department and Ellington Volunteer Ambulance Corps, or, if the Board of Selectmen deem it to be in the best interest of the Town, the Town may provide for other means of provision of emergency services in lieu of said volunteer companies. In any event, the Board of Selectmen shall execute a written contract with each agency or entity specifying details of such service. As a minimum, each contract will delineate type and scope of services provided, primary response areas, financial relationships and reporting requirements between the Town of Ellington and each agency or entity. Each contract shall be reviewed and revised as necessary by the Board of Selectmen and each agency or entity no less than biennially.

This change to Section 923 will give the Town flexibility in determining who will provide emergency services to the Town.

#5

SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION

At a meeting of the electors of the Town of Ellington to be held on the third day of November, 1987, and biennially on the first Tuesday after the first Monday of November thereafter, there shall be elected the following officers:

- (a) A First Selectman. The votes cast for the unsuccessful candidate for First Selectman shall not be counted for him/her as a member of the Board of Selectmen.

This change to Section 302 will not allow the votes for the unsuccessful candidate for First Selectman to be counted as a member of the Board of Selectmen.

CHARTER REVISION COMMISSION DRAFT REPORT TO THE BOARD OF SELECTMEN
July 11, 2018

SECTION 701. GENERAL

At each biennial town election a First Selectman shall be chosen by the electors of the town as provided in Chapter III of this charter. The First Selectman shall be the chief executive and chief administrative officer of the town and shall receive such compensation as shall be recommended by the Board of Selectmen and approved in the annual budget. Said First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of said board. The First Selectman, or another Selectman designated by the First Selectman shall be an ex-officio member of all other town boards, commissions, and agencies and shall receive such advance notification of any such meeting as is given to the members of said bodies. He shall have the full right of participation in discussions but shall not have the right to vote.

The changes to Sections 302 and 701 will change the term of office for the First Selectman from two years to four years.

#6

SECTION 605. POWER TO OVERRULE – TOWN MEETING ACTIONS, SUBSECTION (d)

All actions, including a negative action, of any town meeting shall be subject to overrule by a special town referendum in the following manner:

- (d) Within fifteen (15) days of receipt of said petition, so certified, the Board of Selectmen shall fix the time and place of said special referendum which shall be held not less than twenty (20) nor more than forty-five (45) days after the certification of said petition and notice thereof shall be given in the manner provided by law (in Section 7-3 of the General Statutes, as amended) for the calling of a town referendum.

Any action so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, shall have voted in favor of overruling such action, provided such majority being equal to at least fifteen (15) ten (10) -percent of the qualified electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted on the matter in favor of overruling such action. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes, as amended.

This amendment to Section 605 will change the percentage requirement needed to overrule action taken at a Town Meeting from 15% to 10% with a simple majority.

#7

SECTION 910. DEPARTMENT OF PUBLIC WORKS

The Board of Selectmen shall appoint a Director of Public Works, who shall possess such qualifications as are required for said office, and who shall serve for an indefinite term. It shall be the duty of the Department of Public Works to maintain, repair, clean and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; care for and

CHARTER REVISION COMMISSION DRAFT REPORT TO THE BOARD OF SELECTMEN
July 11, 2018

maintain all town buildings other than those under the jurisdiction of the Board of Education; perform regular and as-needed maintenance and repairs on Hall Memorial Library and the library facilities and grounds; coordinate the Recycling Program; prepare or supervise the preparation of plans and specifications for the construction or reconstruction of streets, sidewalks, curbs, gutters, storm sewers, drains, public buildings and other structures and construct or supervise the construction of the same, provided that nothing herein shall preclude the employment of engineers and architects on any such project, or the appointment of citizen advisory committees on the construction of school or other public building. Further duties of the Public Works Department shall be to care for parks, grassed areas in streets and public grounds; the Public Works Department shall maintain all athletic fields and public beaches including those under the jurisdiction of the Board of Education and the Parks and Recreation Commission; to plant and care for trees within the street line; to enforce the provisions of the building code, zoning ordinances and ordinances imposing on owners of property obligations to construct and maintain sidewalks, curbs, gutters, storm sewers and drains; and perform such other duties as may be prescribed by the Board of Selectmen by ordinance. Said Department of Public Works may contract with the town Water Pollution Control Authority for the maintenance of the facilities and grounds which come under the jurisdiction of the Water Pollution Control Authority. The Director of Public Works shall appoint a Tree Warden. The Director of Public Works shall serve as an exofficio member of the Permanent Building Committee. He may organize the Public Works Department in such a manner as he shall deem most economical and efficient and may make and enforce such reasonable rules and regulations not inconsistent with the regulations of the General Statutes or the provision of this charter, as may be necessary to exercise the powers and duties imposed on him by virtue of this provision of the charter. He may delegate such powers to subordinate employees and shall have the authority to appoint and to remove, subject to the approval of the Board of Selectmen and such rules and regulations concerning town employees as may be adopted by the Board of Selectmen, all deputies, assistants or employees in this department.

This change specifically allocates building maintenance of the Hall Memorial Library to the Department of Public Works.

#8

LIBRARY BOARD OF TRUSTEES [new chapter to be added to Charter]

The Library Board of Trustees, elected as provided in Chapter III of this Charter, shall be responsible for the administration and use of Hall Memorial Library. The Board shall adopt rules and regulations governing such administration and use, provided the use of such library shall be free to all residents of the town under such regulations as the Board shall prescribe, and further provided the Board may exclude from the use of such library any person who willfully violates such regulations, and still further the Board may extend privileges to use the library to persons residing in this state outside the town upon such terms and conditions as it may prescribe. The Board shall make and adopt policies concerning Internet usage and content accessible to library patrons on computers and other electronic devices provided by the library. The Board shall have exclusive control of the expenditure of moneys allocated to the library through municipal budgetary appropriations. The selection and acquisition of library materials, as well as the development of library programs and the composition of literary and non-literary collections, is within the exclusive control of the Board. The Board may appoint a Library Director, as well as any necessary assistants, and fix their compensation. Any person or entity desiring to make a gift for the benefit of the library may vest title to such donation in the Board, which shall be held and controlled according to the gift's terms, and the Board shall be special trustee of the gift.

Notwithstanding any provision herein to the contrary, the Department of Public Works shall have exclusive control of the care, maintenance and repair of the library building and physical facilities and the library grounds.

This change allocates responsibility for library operations and administration to the Hall Memorial Library Board of Trustees.

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